



TOWN OF LOOMIS
ACTION MINUTES
REGULAR MEETING OF
LOOMIS TOWN COUNCIL
LOOMIS TOWN HALL,
6140 HORSESHOE BAR ROAD, SUITE K
LOOMIS, CA 95650

| TUESDAY | FEBRUARY 13, 2007 | 7:00 P.M. |
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| CLOSED SESSION – Pursuant to cited authority, the Town Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented prior to adjournment of the regular meeting. | | |
| a . CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Subdivision (a) of Section 54956.9: Bickford Ranch Heritage Coalition v. County of Placer Placer County Case No. SCV 12793 | | |
| b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision Section 54956.9: Three potential cases | | |
| TUESDAY | FEBRUARY 13, 2007 | 7:30 P.M. |

CALL TO ORDER Mayor Millward called the meeting to order at 7:32 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Millward
Councilmember Kelley
Councilmember Morillas
Councilmember Scherer
Councilmember Ucovich

Absent: None

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

- a. No action.
- b. No action.

RECOGNITION Ben Emard

Mayor Millward recognized Denise Brock, Del Oro High School teacher.

Mayor Millward recognized Ben Emard, student at Del Oro High School.

MATTERS OF INTEREST TO COUNCILMEMBERS

Councilmember Scherer stated the following:

- graffiti is appearing at one of the neighboring cities
- we recognize this is starting to occur
- we will take an aggressive action if it appears and directed staff to make sure it is taken care of immediately

Councilmember Kelley stated the following:

- the Sheriff's department needs to look at any graffiti and where it occurred
- he also pointed out that when the General Plan amendments were done in 2005 there were specific goals Council wanted done
- some goals are not getting done and we need to have a reality check and look at them again

Mayor Millward noted the following:

- The Five City Girl's Softball League have 300 girls and about 85% of them are from the Town of Loomis

- They play on the left side of the King Road park where there is only out-houses for bathroom facilities
- They asked if the Town can help donate some money towards bathrooms to be put in

Councilmember Ucovich pointed out that the park is a County facility.

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

1Written Material Introduced Into the Record: Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

PUBLIC COMMENT: This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please **note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker** is five minutes.

Rick Judd, Principal at Loomis Grammar School, stated the following:

- he previously asked the Council to donate funds for a joint use playground (\$35,000)
- he presented a poster from their Kindergarten students thanking the Council for the improvements

Ben Emard and the team, Del Oro High School Mock Trial Team, thanked Council for the donation, described the process of the mock trials and answered questions.

Kai Krienke, 5397 Brace Road, presented Council a letter and expounded on the following;

- request the Council make some provision to process the Homewood relocation project in a manner to avoid an inevitable appeal to the Town Council
- requested that the project and the pending course of actions be interrupted and reviewed by the Council

ADOPTION OF AGENDA

OPPORTUNITY TO COMMENT ON CONSENT CALENDAR: All items listed under the Consent Agenda are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Councilmember requests otherwise, in which case, the item will be removed for separate consideration.

Perry Beck, Town Manager, noted for item 11, that Councilmember Scherer has re-appointed Janet Thew on the Planning Commission.

A motion was made to approve the Consent Agenda pulling items 7 and 10 forward for discussion. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

- | | | |
|----|--|--|
| 1. | Council Minutes – 1/9/07 | <i>APPROVE</i> |
| 2. | Monthly Check Register – January | <i>RECEIVE AND FILE</i> |
| 3. | Statement of Activity | <i>RECEIVE AND FILE</i> |
| 4. | Treasurer’s Report | <i>RECEIVE AND FILE</i> |
| 5. | Planning Status Report | <i>RECEIVE AND FILE</i> |
| 6. | Second Reading of an Ordinance of the Town Council of The Town of Loomis Modifying Provisions of the Zoning Ordinance Dealing With Conversion of Residential Single-Story Dwellings To Commercial Uses | <i>ADOPT ORDINANCE</i> Ordinance 235 TC 1.9.07 |

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| 8. | Second Reading of an Ordinance of the Town Council of The Town of Loomis Amending provisions of the grading, erosion and sediment control ordinance | <i>ADOPT ORDINANCE</i> Ordinance 236 | TC 1.9.07 |
| 9. | Memorandum of Understanding With Placer Land Trust To Facilitate A Cooperative Working Relationship for the Purpose of Fostering the Preservation of Open Space and Authorize Extending the Agreement for a Period of Three Years | <i>APPROVE</i> | |
| 11. | Councilmember Scherer's Planning Commission Appointment | <i>APPROVE</i> | TC 1.9.07 |
| 12. | Second Reading of an Ordinance of the Town Council of The Town of Loomis Adding Provisions to the Zoning Ordinance Providing for New Rules and Regulations to Use In evaluating Construction of Two Story Homes and Adding Second Stories to Existing Homes | <i>ADOPT ORDINANCE</i> Ordinance 230 | TC 8.8.06 |

CONSENT ITEMS FORWARDED

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|----|--|------------------------|------------|
| 7. | Second Reading of an Ordinance of the Town Council of The Town of Loomis Dealing With Second Units and Carriage Houses | <i>ADOPT ORDINANCE</i> | TC 9.12.06 |
|----|--|------------------------|------------|

Mayor Millward questioned the following:

- if someone owned a house with a second dwelling and needed to leave the country because they were in the military then they should be able to rent it out to another family
- also, someone from that same family should be able to use the second dwelling

Larry Fishbain, 907 Herald Avenue, Lincoln, stated the following:

- the issue is controlling density or appropriate use for a facility
- the issue should not be who lives there, the Council should not get involved

Pat Miller, 4395 Gold Trail Way, stated the following:

- this may be a density issue if second units and carriage houses are being built as income properties

Following further discussion on the matter, a motion was made to hold second reading of Ordinance 234, amending provisions of the Zoning Ordinance dealing with second units and carriage houses. On motion by Councilmember Scherer, seconded by Councilmember Morillas and failed by the following roll call vote:

Ayes: Scherer

Noes: Kelley, Millward, Morillas, Ucovich

- | | | | |
|-----|--|----------------|--|
| 10. | Continue Open Space Committee to June 2007 and Appoint Councilmember Scherer to Serve as Committee Liaison | <i>APPROVE</i> | |
|-----|--|----------------|--|

Councilmember Kelley stated the following:

- noted this was extended for another six months
- suggested establishing a commission or committee that is appointed by the Council
- the committee can be discussed at the goals and objectives workshop

Councilmember Scherer stated the following:

- without extending this committee today the Town will have nothing
- approval will keep the committee in place until June, where funding for it can be put on the new budget

Roger Smith, 6755 Wells Ave, stated the following:

- asked the Council to keep the Open Space committee alive until a new organization could be set up
- there are a lot of things they can be doing such as: continue to educate, promote open space, provide outreach and assistance to willing property owners on preserving through conservation easements, continue reviewing proposed developments through their green sheet process, and continue to look for funding sources that could be used in the future

Gary Liss, 4395 Gold Trail Way, stated the following:

- they want to be clear what functions need to happen and there needs to be some continuity of review of open space issues
- if the Council is prepared to set up a new Open Space Commission then the existing Open Space Committee would be happy to see that move forward
- if the Council is not prepared to set up a new Commission then he suggested extending the Open Space Committee until June and continue with the green sheets and Earth Day until the budget review

Pat Miller, 4395 Gold Trail Way, stated the following:

- the Open Space report was a lot of hard work
- the experience they went through was grueling and it will be hard to have it closed down

Jean Wilson, 4301 Barton Road, would like to see the Earth Day event fulfilled.

A motion was made to adopt staff's recommendation, continue the Open Space Committee to June 2007, meet as needed to refine and organize the Open Space Committee report recommendations, and appoint Councilmember Scherer to serve as committee liaison. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Kelley, Millward, Morillas, Scherer, Ucovich

Noes: None

PUBLIC HEARING

13. Fence and Wall Regulations(Continued from 1/9/07)

TC 10.10.06

Consider proposed draft Zoning Ordinance revisions regarding fence and wall regulations

Recommended action: Continue to February 13, 2007

Public comment:

Roger Smith stated the following:

- fencing was addressed in their Open Space Committee report under preserving rural character
- in the RA and RE zoning the fencing should be limited to allow for animal movement and visual
- he is against changing our current ordinance to allow solid fencing within the front setback
- he is strongly against sound walls in rural areas (RA and RE zoning)

Jean Wilson stated the following:

- the Planning Commission was divided on the sound wall issues
- people need to have the freedom to fence off their front yards
- suggested not changing the setbacks for fencing

Following further discussion on the matter, a motion was made to hold first reading of an ordinance modifying portions of Chapter 13.30 of the Municipal Code dealing with fences and walls. On motion by Councilmember Ucovich, seconded by Councilmember Morillas.

Discussion:

Councilmember Scherer recommended sending this to the Open Space Committee for their comment to see how it conforms to their report.

The motion failed by the following roll call vote:

Ayes: None

Noes: Kelley, Millward, Morillas, Scherer, Ucovich

A motion was made to refer this Ordinance to the Open Space Committee for their review and then back to the Planning Commission before bringing it back to the Council. On motion by Councilmember Scherer, seconded by Councilmember Kelley and passed by the following roll call vote:

Ayes: Kelley, Morillas, Scherer, Ucovich

Noes: Millward

BUSINESS

14. Request for Donations - H. Clarke Powers Elementary School

Consider making a donation to acquire a kiln for pottery classes at H. Clark Powers Elementary School

Recommended action: Hear presentation and decide if Council wishes to donate

Public comment:

Kevin Schmelzer, the head art docent at H. Clarke Powers Elementary School, stated the following:

- they are trying to develop a ceramics program at the school with volunteers that are interested in running it
- they have volunteers that are interested in building a room for a kiln
- they need \$4000 for a kiln and currently have about \$2000

Following further discussion on the matter, a motion was made to donate \$250 to assist in acquiring a kiln for H. Clarke Powers Elementary School. On motion by Councilmember Morillas, seconded by Mayor Millward and passed by the following roll call vote:

Ayes: Kelley, Millward, Morillas, Scherer, Ucovich

Noes: None

Recess at 9:20 p.m. to 9:30 p.m.

15. **Development Fee Waiver Request**

Developer Pat Cannon, representing the Taylor Road Mixed Use project, requests certain fee discounts and waivers that should require Council approval of a special agreement

Public comment: Approve fee discounts and waivers as detailed in the report and direct staff prepare an agreement for Council consideration at the next available meeting of the Council

Public comment:

No public comment.

Council discussed the following:

- is the park accessible to the community
- suggest the park be completed before the houses are built and before considering discounting any fees
- like to look at a rough plan to see if the park meets the needs of the neighborhood
- they are short half of the park land
- not sure what will fit on the hill, they might not be able to use it, need to make it contingent that a tot lot can be put on the piece of land
- the priority should be to get 30,000 sq. ft. for a park
- why should we credit it as a park when it might not be big enough for a park

Following further discussion on the matter, Council asked staff to come back with more information on the discussed items.

16. **Capital Improvement Program**

Consider the proposed Capital Improvement Program for the next five years

Recommended action: Approve the updated 2007-2011 Capital Improvement Program and incorporate any revisions made during discussions

Public comment:

No public comment.

Following further discussion on the matter, Council agreed to the following changes:

- 2006-2007 improvements: Brace Road – “Sierra College to I-80” changed to “Sierra College to Laird Road”
- Move “King Road and Swetzer Road signalization” to 2007-2008 Improvements
- Move “Town Hall” to 2008-2009 Improvements

A motion was made to adopt the amended Resolution 07-05, approving the updated Capital Improvement Program (with the above changes) covering 2007 through 2011. On motion by Councilmember Morillas, Seconded by Councilmember Ucovich and passed by voice vote.

Councilmember Kelley asked to have the improvements laid out in a spread sheet format so that it will be easier to see from year to year with the projects shown and their funding sources.

17. **Downtown Analysis and Marketing Plan**

Consider having a downtown market analysis prepared through a National League of Cities program or a similar program that might be obtained from consultants in the region

Recommended action: Discuss and determine if Council wishes to look further into this

Public comment:

Continued to March 13, 2007.

18. **Cap to Cap Trip to Washington DC**

The annual Cap to Cap trip is being coordinated and a meeting is scheduled for February 21 to finalize issues that local agencies would like addressed during this legislative lobbying endeavor

Recommended action: Determine if any Councilmember plans to attend the February 21st meeting in Rocklin and if any Councilmember will participate in the Cap to Cap trip to Washington DC and identify issues that Loomis would like addressed

Public comment:

No public comment.

Following further discussion on the matter, Council agreed to have Mayor Millward participate in the Cap to Cap trip and to come back and identify issues to be addressed on the March 13, 2007 meeting.

19. **Town Survey**
Discuss conducting a survey or surveys in 2007
Recommended action: Discuss and give direction
Public comment:

TC 1.9.07

Continued to March 13, 2007.

20. **General Plan Workshop**
Discuss whether the Town needs a General Plan update
Recommended action; Identify things that might be considered but hold off proceeding with this until the Town survey is complete
Public comment:

Continued to March 13, 2007.

21. **2007/08 GOALS AND BUDGETING**
Discuss goals and projects in preparation to develop the 2007/08 budget
Recommended action: Discuss and give direction
Public comment:

Continued to March 13, 2007.

COMMITTEE REPORTS

- 22. Placer County Economic Development Commission – Ucovich
- 23. Placer County Flood Control/Water Conservation District – Morillas
- 24. Placer County Transportation Planning Agency – Kelley/Millward
- 25. Placer County Mosquito Abatement – Ucovich
- 26. Placer County Air Pollution Control District – Millward/Ucovich
- 27. Sacramento Area Council of Governments – Scherer/Kelley
- 28. Placer Land Trust ex-officio representative - Scherer

ADJOURNMENT

Motion to adjourn at 10:12 p.m. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

Mayor

Town Clerk